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REMARKS

Claims 1-5, 7-9, 26-34 are all the claims presently pending in the application.

Applicant again affirms the election of Group I, claims 1-9, 26, and 27.

Claims 1, 3, 26, and 27 have been amended to define more clearly the features of the claimed invention. Claim 6 is incorporated into independent claim 1, and claim 6 is correspondingly canceled without prejudice or disclaimer. Claims 10-25 also have been canceled without prejudice or disclaimer as being directed to a non-elected invention. Claims 28-34 have been added to provide more varied protection for the present invention.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1-5, 7-9, 26, and 27 stand rejected under 35 U.S.C. § 102(a) as being anticipated by the services provided by icontact.com, i.e., "NetRep", as described in the articles "Online Stories Hope Shoppers say Aye to Watchful Assistants", Marriott, Michel, February 20, 2000, Sun Sentinel (hereinafter "the Marriott article") and "Internet's First Online Salesperson Technology Offered by icontact.com, Inc." (Press Release, February 16, 2000) (hereinafter "icontact.com Press Release"). Claim 6 stands rejected under 35 U.S.C. § 103(a) as being obvious over the Marriott reference and the icontact.com press release.

These rejections are respectfully traversed in view of the following discussion.

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I. THE CLAIMED INVENTION

The claimed invention, as defined in independent claim 1, is directed to a method for conducting electronic commerce that comprises browsing, by a user, for an item at an electronic store (e-Store) over an electronic medium, automatically recognizing, without human intervention, that the user is lost in attempting to find the item, and interactively querying by an electronic store assistant, at any time during a session, of the user whether the user needs help in finding the item, wherein the electronic store assistant is implemented in software as one of a program and a search window which is activated based on one of a query and activated automatically after a predetermined number of navigations by the user.

The claimed invention, as defined in independent claim 26, is directed to a system for performing electronic commerce that includes means for browsing, by a user, for an item at an electronic store (e-Store) over an electronic medium, means for automatically recognizing, without human intervention, that the user is lost in attempting to find the item, and means for interactively querying, at any time during a session, of the user whether the user needs help in finding the item.

The claimed invention, as defined in independent claim 27, is directed to a signal-bearing medium tangibly embodying a program of machine-readable instructions executable by a digital processing apparatus to perform a method of conducting electronic commerce. The method includes browsing, by a user, for an item at an electronic store (e-Store) over an electronic medium, automatically recognizing, without human intervention, that the user is lost in attempting to find the item, and interactively querying, at any time during a session, of the user whether the user needs help in finding the item.

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An exemplary embodiment of the present invention provides extensive software sophistication to track user behavior, e.g., navigating, browsing, clicking, searching, etc., to determine what the user might be looking for. The present invention may include extensive facilities for the customer to practice his/her typical behavior using the Internet browser, i.e., navigating, browsing, clicking, or searching, and tracks these behaviors to provide help in a behavioral context by directing the customer to the appropriate category with dynamic help or a live person who can help either through a chat system or a phone line. The present invention may also encompass directing to a help category or to a person who is an expert in the area of the customer's query.

II. THE PRIOR ART REJECTIONS

Claims 1-5, 7-9, 26, and 27 stand rejected under 35 U.S.C. § 102(a) as being anticipated by the services provided by icontact.com, i.e., "NetRep", as described in the Marriott article and the icontact.com press release. Claim 6 stands rejected under 35 U.S.C. § 103(a) as being obvious over the services provided by icontact.com, i.e., "NetRep", as described in the Marriott article and the icontact.com press release.

For at least the following reasons, Applicant respectfully traverses these rejections.

Claim 6 is incorporated into independent claim 1, and therefore, Applicant's remarks are directed to the rejection under 35 U.S.C. § 103(a) as being obvious over the services provided by icontact.com, i.e., "NetRep", as described in the Marriott article and the icontact.com press release.

As mentioned above, the present invention provides extensive software sophistication to track user behavior, e.g., navigating, browsing, clicking, searching, etc., to determine what the

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user might be looking for. The present invention includes extensive facilities for the customer to practice his/her typical behavior using the Internet browser, i.e., navigating, browsing, clicking, or searching, and tracks these behaviors to provide help in a behavioral context by directing the customer to the appropriate category with dynamic help or a live person who can help either through a chat system or a phone line. That is, the present invention can automatically determine, without human intervention, whether it is appropriate to direct the user to a help category or to a person who is an expert in the area of the customer's query, and then can direct the user to the appropriate help category.

For example, independent claim 1 recites, *inter alia*, "automatically recognizing, without human intervention, that the user is lost in attempting to find said item; and interactively querying by an electronic store assistant, at any time during a session, of said user whether the user needs help in finding said item." Independent claim 1 further recites that "said electronic store assistant is implemented in software as one of a program and a search window which is activated based on one of a query and activated automatically after a predetermined number of navigations by said user."

The Marriott article and the iconcontact.com press release disclose a method in which a human monitors the activity of users on web pages and then contacts the user to assist the customer visiting the web site with their shopping.

More particularly, the Marriott article and the iconcontact.com press release disclose that the user is recognized as a regular shopper, remembers what this customer has previously purchased and knows how long the shopper usually spends on the web site (see the Marriott article at the fourth paragraph). The human representatives (i.e., "NetReps") have access to archived

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databases of previous customer navigation and buying patterns (e.g., see the Marriott article at the sixth paragraph).

In contrast to the method described in the Marriott article and the iconcontact.com press release, the claimed method provides a novel and unobvious combination of elements in which the method automatically recognizes, without human intervention, that the user is lost in attempting to find an item, as opposed to having a human reviewing the user's web site activity.

By automatically recognizing, without human intervention, that the user is lost, the claimed method can then determine whether human intervention is necessary or whether non-human intervention should be launched.

In other words, the claimed method determines whether the use is lost, and the routes the user to the right (i.e., relevant) kind of software or calls an external help facility to help the user (e.g., see specification at page 7, lines 14-16).

Thus, Applicant respectfully submits that the claimed invention does not merely automate a manual activity which accomplishes the same result, as alleged by the Examiner. Instead, the claimed invention recites a unique combination of elements that define a novel and unobvious method for conducting electronic commerce that accomplishes clearly different results which are not disclosed or suggested by the method described in the cited Marriott article and iconcontact.com press release.

In comparison, the method described in the Marriott article and the iconcontact.com press release clearly does not disclose or suggest automatically recognizing, without human intervention, whether the user is lost, as claimed. Moreover, the Marriott article and the iconcontact.com press release clearly does not disclose or suggest automatically determining

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whether human intervention is necessary or whether non-human intervention should be launched, as claimed, for example, in new claims 29-34.

On the contrary, the method described by the Marriott article and the iconcontact.com press release discloses that one of the hurdles with the method is convincing the shoppers (i.e., users) “that the help they are getting is being provided by a real person and not some kind of artificial intelligence” (e.g., see the Marriott article at the next to last paragraph (i.e., twenty-eighth paragraph)).

In other words, the method described by the Marriott article and the iconcontact.com press release teach away from the claimed invention, since only human intervention is disclosed or suggested as being fruitful or valuable to users.

Moreover, the method described by the Marriott article and the iconcontact.com press release clearly does not disclose or suggest “said electronic store assistant is implemented in software as one of a program and a search window which is activated based on one of a query and activated automatically after a predetermined number of navigations by said user.”

On the contrary, the method described by the Marriott article and the iconcontact.com press release teaches only that a real person assists the user.

For at least the reasons outline above, Applicant respectfully submits that the method described by the Marriott article and the iconcontact.com press release does not disclose, teach or suggest all of the features of independent claim 1, and therefore, the rejection of claims 1-5, 7-9, 26, and 27 should be withdrawn and these claims permitted to pass to allowance.

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III. NEW CLAIMS

New claims 29-34 have been added to provide more varied protection for the present invention. Claims 29-34 should be allowable for similar reasons as those set forth above with respect to claims 1-5, 7-9, 26, and 27.

IV. CONCLUSION


In view of the foregoing, Applicant submits that claims 1-5, 7-9, and 26-34, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 09-0441.

Respectfully Submitted,

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John J. Dresch, Esq.
Registration No. 46,672

Sean M. McGinn, Esq.
Registration No. 34,386

McGinn & Gibb, PLLC
8321 Old Courthouse Road
Vienna, Virginia 22182-3817
(703) 761-4100
Customer No. 21254